

IN THE SUPERIOR COURT OF HENRY COUNTY

STATE OF GEORGIA

FILED IN OFFICE
HENRY COUNTY
SUPERIOR COURT

AUG 11 2011

Barbara A. Glenn
CLERK OF SUPERIOR COURT

KATHRYN M. GLENN

PLAINTIFF

vs,

BANK OF AMERICA HOME LOANS
SERVICING, LP and BANK OF
AMERICA

DEFENDANT.

CASE NO.: 11-CV-2875-BACOMPLAINT FOR TEMPORARY RESTRAINING ORDER AND
INTERLOCATORY INJUNCTION

Plaintiff files this Complaint and shows the following:

1.

Defendant, Bank of America Home Loans Servicing, LP, hereinafter referred to as BAC Home Loans Servicing, is a North Carolina corporation registered to do business in the state of Georgia at all relevant times stated herein in Plaintiff's Complaint. BAC Home Loans Servicing may be served with a copy of this Complaint through its registered agent for service of process, CT Corporation Systems, Shakinah Edwards, located at 1201 Peachtree St. NE, Atlanta, GA 30361.

2.

Plaintiff, Kathryn M. Glenn, owns a house located at 625 Dailey Mill Road, McDonough, Henry County, Georgia. Defendant, BAC Home Loans Servicing, holds a mortgage on said residence.

3.

The Defendant, BAC Home Loans Servicing, issued a Notice of Foreclosure to Plaintiff scheduling a sale of her above referenced residence on August 2, 2011.

4.

On or about July 21, 2011, Bank of America communicated to Plaintiff by phone that she was eligible for the Fannie Mae modification program.

5.

On or about July 28, 2011, Plaintiff submitted an application for modification in response to a request from Bank of America to apply for a loan modification offered under the Fannie Mae program.

6.

Plaintiff submits that Defendant should be immediately restrained and enjoined from foreclosing on Plaintiff's above referenced property because Defendant has not responded to the application submitted by Plaintiff.

7.

Furthermore, Defendant's Notice of Foreclosure was legally deficient because it stated an inaccurate payoff balance. On several occasions, Plaintiff requested the amount to reinstate loan and to date Defendant has not provided the amount.

8.

As shown from facts contained herein, unless Defendant is immediately restrained from foreclosing on Plaintiff's property and benefiting from this unlawful foreclosure, Plaintiff will suffer immediate and irreparable injury.

9.

Attached hereto is the certificate of Plaintiff's attorney showing efforts to give notice and reasons why notice should not be required.

WHEREFORE, Plaintiff prays for the following:

- a) That the Court issue a temporary restraining order prohibiting Defendant from foreclosing on Plaintiff's property and benefiting from this unlawful foreclosure;
- b) That the Court set down at the earliest possible time a hearing on an interlocutory injunction in the cause;
- c) That upon said hearing in this cause that the Court issue an interlocutory injunction prohibiting Defendant from foreclosing on Plaintiff's home and benefiting from this unlawful foreclosure.
- d) That upon final hearing in this cause, that said interlocutory be extended until such time that Defendant complies with their legal responsibilities regarding Plaintiff's opportunity to modify or reinstate her loan.

This 1st day of August, 2011.

Kenneth A. Glenn
Georgia Bar No. 001170
Attorney for Plaintiff

625 Dailey Mill Road
McDonough, GA 30253
(770) 891-4466

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STATE OF GEORGIA

KATHRYN M. GLENN

PLAINTIFF

vs,
BANK OF AMERICA HOME LOANS
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DEFENDANT.

CASE NO.: _____

CERTIFICATION

The undersigned hereby certifies to the Court that he is the attorney for the Plaintiff in the above-styled action and that this certification is given pursuant to O.C.G.A. § 9-11-65(b)

The Attorney further certifies that:

The following efforts were made to give notice to Defendant of this Complaint for temporary restraining order.

(1)

A phone communication was made to representatives, McCurdy and Candler, LLC, attorneys for Defendant advising them that an application for modification of the loan had been made by Plaintiff. In response to the communication, I was told that they were not informed that Bank of America had received an application when, in fact they had.

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(2)

Bank of America confirmed by phone that the application was in their system as Plaintiff had been instructed to submit.

(3)

Bank of America or its legal counsel has not provided Plaintiff with any further response to her application.

This 1st day of August, 2011.



Kenneth A. Glenn
Georgia Bar No. 001170
Attorney for Plaintiff

625 Dailey Mill Road
McDonough, GA 30253
(770) 891-4466

VERIFICATION

GEORGIA, HENRY COUNTY

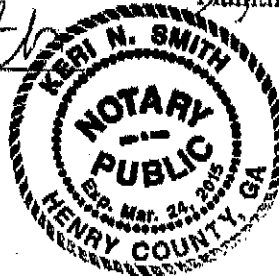
Personally appeared before me the undersigned petitioner who on oath
state(s) that the facts set forth in the foregoing COMPLAINT are true.

Sworn to and subscribed before

Me this 1 day of August, 2011.

Attorney M. Glenn
Plaintiff

Keri N. Smith
NOTARY / CLERK OF COURT



STATE OF GEORGIA

COUNTY OF HENRY

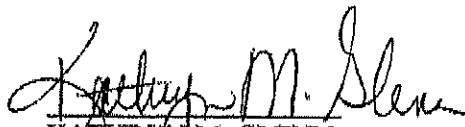
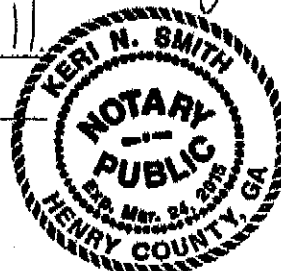
AFFIDAVIT

I, KATHRYN M. GLENN, am over 18 years of age, of sound mind, and make the following statement under oath, freely and voluntarily.

- 1) I currently reside at 625 Dailey Mill Road, McDonough, Georgia 30253.
- 2) I spoke with a representative of Bank of America in June to get loan reinstatement amount and further direction on curing the default on the loan. I was told that it would take 72 hours to put together that information.
- 3) I spoke with another Bank of America representative in early July to receive the information and was told that it had been ordered but that it could not be given out over the phone. I asked that it be mailed to me.
- 4) I spoke with another Bank of America representative on July 21, 2011 and she stated that she would mail the reinstatement notice to me but also stated that I was eligible for a loan modification based on preliminary information given to her.
- 5) On July 24, 2011 I was contacted by Ronette Bell, a Bank of America representative about applying for a loan modification.
- 6) On July 25, 2011 I received the modification application package.
- 7) On July 28, 2011 I faxed the loan modification application and all documents to the fax number I was instructed to fax them to.

Affiant Further Sayeth Not.

Sworn to and subscribed before

Me this 1 day of August, 20 11.Keri N. Smith
NOTARY / CLERK OF COURT
KATHRYN M. GLENN

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You may be eligible for a Fannie Mae loan modification.

Send us your documents by August 4, 2011 to apply.



July 25, 2011

KATHRYN M GLENN
625 Dailey Mill Rd
McDonough, GA 30253

Loan Number: 873339081

Dear KATHRYN M GLENN:

Thank you for your recent request to discuss your home loan needs. As we discussed, your loan was not eligible for the federal government's Home Affordable Modification Program. However, **your loan may be eligible for a loan modification offered by Fannie Mae, which is a program for loans that are not eligible for the Home Affordable Modification Program.** Under the Fannie Mae program, we will review your current financial situation to determine if we can help you modify your mortgage to give you an affordable mortgage payment.

How to Apply

To apply for this program, please send us the financial documents listed on the attached checklist by August 4, 2011. We have included a pre-paid envelope for your convenience.

We want you to know that sending us your financial information helps us determine if you are eligible for this modification program. It in no way binds or obligates you to participate in the program.

In order to expedite your loan modification process, Bank of America, N.A. is working with a third party company, Urban Lending Solutions. Federal law requires that we communicate to you that Urban Lending Solutions is a licensed debt collector. However, the purpose of the communication is to let you know about your potential eligibility for this loan modification program that may help you bring or keep your loan current through more affordable mortgage payments. Please see the enclosed insert for important disclosures from Urban Lending Solutions.

For More Information

For more information about this program, please read the enclosed Frequently Asked Questions or call 1.877.913.6729 between 8 a.m. and 6 p.m. Eastern, Monday through Friday. We want to help you, so please consider this opportunity.

Home Loan Team
Bank of America, N.A.

Bank of America  **Home Loans**

P.S. It is critical that you send us the information we need to determine if you are eligible for the Fannie Mae Modification Program and a more affordable mortgage payment. Please return your documents no later than August 4, 2011.

Enclosures: (1) Frequently Asked Questions (2) Checklist (3) Request for Modification and Affidavit (4) IRS Form 4506-T (5) Pre-paid return envelope

Mortgages funded and administered by an Equal Housing Lender.
Protect your personal information before replying to this document.

Bank of America, N.A. is required by law to inform you that this communication is from a debt collector. However, the purpose of this communication is to let you know about your potential eligibility for a loan modification program that may help you bring or keep your loan current through more affordable payments.

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